



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nobuo FUJITA et al.

Group Art Unit: 1764

Application No.: 09/397,287

Examiner: A. Wachtel

Filed: September 16, 1999

Docket No.: 103801

For: HYDROGEN ABSORBING TANK APPARATUS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 12, 2004 Office Action, Applicants request reconsideration of this application. Claims 1-22 are pending.

Applicants note with appreciation the identification of allowable subject matter in claims 5 and 18. Applicants respectfully submit that all pending claims are in condition for allowance, as detailed below.

Claims 1-4 and 6-22 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,678,410 to Fujita et al.¹ This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, "a bypass that opens only when a hydrogen gas generating pressure of the hydrogen absorbing tank is higher than the predetermined reference pressure." Independent claims 10 and 14 similarly recite "the bypass opening only when a hydrogen gas generating pressure of the hydrogen absorbing tank is higher than the

¹ It is believed that claim 18 should not have been included in this rejection because claim 18 has been objected-to.

predetermined reference pressure." Fujita et al. does not disclose or suggest such features. In particular, Fujita et al. does not disclose or suggest determining whether or not to utilize a bypass based upon the hydrogen gas generating pressure of the hydrogen absorbing tank. Accordingly, all pending claims are patentable over Fujita et al.

The Office Action asserts that bypass 114 of Fujita et al. corresponds to the claimed bypass. However, Fujita et al. does not disclose or suggest that bypass 114 opens only when a hydrogen gas generating pressure of the hydrogen absorbing tank is higher than a predetermined reference pressure of the hydrogen gas consumer device. Fujita et al. discloses that a control valve 115 is disposed in the bypass 114 for opening and closing the bypass, and that hydrogen "stored in the MH storage tank 110 can be supplied into the fuel cell 111 not via the hydrogen compressor 112 but directly through the bypass 114 by opening the control valve 115." See col. 14, lines 50-55 of Fujita et al. In addition, at col. 20, lines 52-57, Fujita et al. states that the hydrogen compressor 112 can be inactivated, and hydrogen is supplied directly via the bypass 114 when the free pressure of the hydrogen-storage alloy is greater than the operating pressure of the fuel cell. This does not disclose or suggest what is recited in independent claims 1, 10 and 14. Fujita et al. does not indicate whether the bypass is open or closed when the compressor 112 is operating or when the free pressure of the hydrogen-storage alloy is less than the operating pressure of the fuel cell. There is no disclosure or suggestion that the bypass 114 opens only when a hydrogen gas generating pressure of the hydrogen absorbing tank is higher than the predetermined reference pressure.

Accordingly, Fujita et al. does not disclose or suggest all features of independent claims 1, 10 and 14. Therefore, independent claims 1, 10 and 14, as well as their dependent claims, are patentable over Fujita et al. Withdrawal of the rejection is requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Mario A. Costantino
Registration No. 33,565

JAO:MAC/ccs

Date: April 7, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--